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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,981	08/30/2001	Kie Y. Ahn	1303.021US1	1912
21186	7590	01/28/2003		EXAMINER
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			LINDSAY JR, WALTER LEE	
			ART UNIT	PAPER NUMBER
			2812	
DATE MAILED: 01/28/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/944,981	AHN ET AL.
	Examiner	Art Unit
	Walter L. Lindsay, Jr.	2812

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_ .

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-29, 54-60 and 67-69 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 9-13 and 67-69 is/are allowed.

6) Claim(s) 1-7, 14-20, 22-28, 54-56 and 58-60 is/are rejected.

7) Claim(s) 8, 21, 29 and 57 is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_ .
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 .

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 14-20, 22-28, 54-56 and 58-60 rejected under 35 U.S.C. 103(a) as being unpatentable over Maiti et al U.S. Patent No. 6,020,024 in view of Dalal et al U.S. Patent No. 4,797,593.

The main subject of the present invention is the formation of a rare earth metal that is deposited by evaporation and then oxidized. The combination of Maiti and Dalal are applied and cover these issues.

Maiti discloses the use of a metal oxide layer as a gate layer.

FIG. 2 illustrates the formation of a metal oxide gate layer 16. In one embodiment, the metal oxide gate dielectric layer 16 is formed by the deposition 18 of a metal film followed by an oxidizing ambient. In another embodiment, the environment 18 would be a chemical vapor deposition (CVD) of a metal oxide followed by an oxygen anneal to reduce oxygen vacancies in the metal oxide film. Such CVD metal oxide depositions or metal sputtering followed by O<sub>sub.2</sub> anneal would include the formation of tantalum pentoxide, titanium dioxide (TiO<sub>sub.2</sub>), yttrium oxide (Y<sub>sub.2</sub>O<sub>sub.3</sub>), niobium oxide (Nb<sub>sub.2</sub>O<sub>sub.5</sub>), zirconium oxide (ZrO<sub>sub.2</sub>), hafnium oxide (HfO<sub>sub.2</sub>), lead zirconium titanate (PZT), barium strontium titanate (BST), calcium

oxide (CaO), beryllium oxide (BeO), magnesium oxide (MgO), and strontium bismuth titanate (SBT). In addition to the deposition of metal oxide gate dielectric layer using CVD, it is possible to deposit a metal layer by sputtering and subsequently perform an oxidation step on the deposited layer and also perform CVD of a metallic oxide to form a composite metal layer. In this approach, any of the previously listed metals, tantalum, titanium, yttrium, niobium, zirconium or hafnium, could conceivably be deposited in metal form forming a layer and subsequently oxidized during an annealing step (col. 3 lines 30-52).

The metal oxide gate layer 16 will be a high-k dielectric layer. Typical permittivity values, depending upon the metal or alloy used to form the oxide layer 16, will be in the range of  $k=7.0$  through 1500. Where tantalum pentoxide is used, a permittivity  $k$  or  $\epsilon$  of approximately 25 is obtained. Therefore, where tantalum pentoxide forms the metal oxide gate layer, it can have a thickness of approximately 100 angstroms and have the same equivalent  $\text{SiO}_{\text{sub}2}$  thickness of 20 angstroms for a conventional gate oxide layer. The 100 angstroms thickness of the tantalum pentoxide gate would reduce the amount of leakage current across the gate dielectric structure while still improving the overall performance of the semiconductor structure by maintaining or reducing the effective gate oxide thickness (EOT). Following the formation of the high-k dielectric layer 16, an oxidizing ( $\text{O}_{\text{sub}2}$ ) anneal step, or other anneal process for improving the molecular quality, can be performed in order to reduce defects in of the dielectric layer (col. 3 line 64 –col. 4 line 14).

Dalal discloses the formation of a tantalum layer formed by an evaporation process.

Returning to Fig. 1E, a layer of tantalum 28 is blanket-deposited atop the substrate and the lift-off mask. To achieve a low-barrier-height contact, the tantalum deposition process also must conform to an exacting procedure. The deposition is best accomplished in an E-beam evaporation source such as is marketed by the Airco-Temescal Corp. as their Model FC1800 System. Similar types of evaporation systems are available from other vendors. The maximum pressure in the evaporation chamber during the process is  $2.5 \times 10^{-6}$  torr, with the initial pressure in the chamber being less than  $4 \times 10^{-7}$  torr. The maximum temperature of the substrate is 200°C. The importance of the pressure lies in the amount of moisture, hydrocarbon and other gaseous contaminants present in the chamber. The higher the pressure, the greater the moisture and contaminants, which cause the tantalum to oxidize slightly, resulting in a barrier height of greater than 0.5 electron volts. If a barrier light of this value is acceptable, then the pressure in the chamber is of less significance and routine processes may be used. The deposition process, which occurs at a rate of around 2 Å per second, continues until a thickness of  $600 \text{ \AA} \pm 150 \text{ \AA}$  is achieved. The tantalum which is formed using this method is body-centered-cubic (BCC).

Given the teaching of the references, it would have been obvious to determine the optimum thickness, temperature as well as condition of delivery of the layers involved. See *In re Aller, Lacey and Hall* (10 USPQ 233-237) It is not inventive to discover optimum or workable ranges by routine experimentation. Note that the

specification contains no disclosure of either the critical nature of the claimed ranges or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the Applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 f.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the knowledge of Dalal that rare earth metals can be deposited by evaporation in the primary reference of Maiti to deposit the metal oxide gate layer in order to gain the advantage of the fact that a metal oxide layer can be formed to a thickness greater than a silicon oxide layer but maintains the advantages of a thinner layer of silicon oxide.

***Allowable Subject Matter***

3. Claims 9-13 and 67-69 are allowed.
4. Claims 8, 21, 29 and 57 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: the prior art, either singly or in combination fails to anticipate or render obvious, the limitations of:

The process of evaporation combined with the oxidizing the metal layer in a krypton(Kr)/oxygen (O<sub>2</sub>) mixed plasma process to form a metal oxide layer on the body region.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-7, 14-20, 22-28, 54-56 and 58-60 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter L. Lindsay, Jr. whose telephone number is (703) 306-5727. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John F Niebling can be reached on (703) 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-3325.

WLL  
Walter L. Lindner  
January 23, 2003

  
John F. Niebling  
Supervisory Patent Examiner  
Technology Center 2800